

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TREVOR KEVIN BAYLIS,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:23-cv-01653-RSM

**PLAINTIFF**

**TREVOR KEVIN BAYLIS**

**FIRST AMENDED COMPLAINT**

Filed: 12.23.2023

**I. INTRODUCTION**

Defendant has not answered Plaintiff's complaint as they claim to not know what the complaint is about, and therefore the complaint may be amended without need for the consent of the court. Fed. R. Civ. P. 15(a)(1)(b)

Rule 15 of the federal rules of civil procedure allows the plaintiff to amend their complaint when justice requires it. As such, plaintiff hereby amends the complaint.

**II. THE PARTIES TO THIS COMPLAINT**

**A. Plaintiff**

Trevor Kevin Baylis

Jankanraitti, Tampere 33560, FINLAND

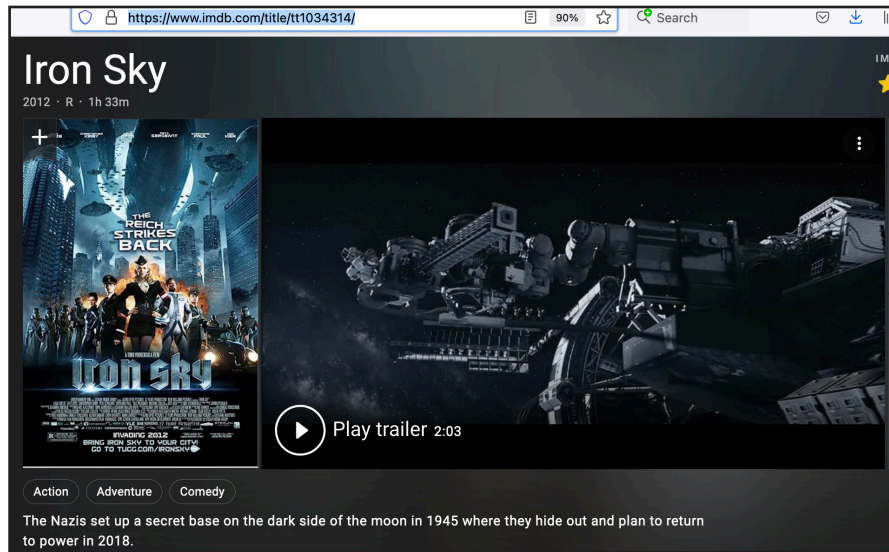


Fig. 1

Baylis is a United Kingdom citizen and a resident of Finland. He owns copyright as joint author of the whole film Iron Sky. (See Fig.1) <https://www.imdb.com/title/tt1034314/> (Accessed 22 Dec 2023)

Baylis is registered as author of the film Iron Sky at the US Copyright Office (see Fig. 2). The registration number is, PA0002432422.

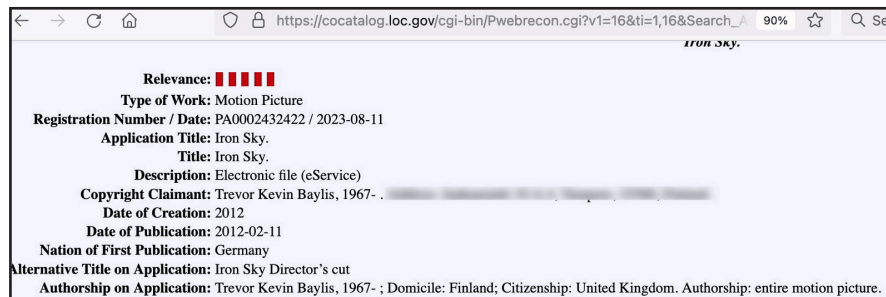


Fig. 2

## B. Defendant

Valve Corporation (A.K.A ValveSoftware). Valve Corporation is a corporation organized and existing under the laws of Washington with its principal place of business at 10400 NE 4th St., Suite 1400, Bellevue, Washington 98004. Valve also has a registered agent at CorpServe, Inc., 1001 4th Ave, Ste. 4400, Seattle, WA 98154-1192.

**III. JURISDICTION AND VENUE**

This Court has subject-matter jurisdiction under 28 U.S.C. § 1332 because this case is a diversity of citizen case and the amount at stake is more than \$75,000.

The case arises under the Copyright Act (17 U.S.C. § 501) and the Digital Millennium Copyright Act (17 U.S.C. § 512) (US17 §512 (c)(1) (b)(c)).

This Court has personal jurisdiction over Valve Corporation because defendant Valve Corporation headquarters are located in Bellevue, Washington, and Valve has a continuous presence in this District.

Jurisdiction and venue are proper in this judicial district under U.S.C. § 1391

Valve also has agreements with publishers, copyright holders and consumers that require related disputes to be litigated in this District.

Valve has consented to litigation to be dealt with in this District.

**III. STATEMENT OF CLAIM**

Valve Corporation continues to willfully infringe on plaintiff's exclusive copyrights related to the film Iron Sky and are able to receive financial benefits from doing so.

Plaintiff is a highly experience animator who is a joint author of the film Iron Sky, which was an Australian-Finnish-German co-production, first published in Germany at the Berlin International Film Festival 11 February 2012.

The film features 890 shots, more than half the film, which were created by the animation team of which Plaintiff was a lead artist. As such, his name appears at the top of the film credits for VFX artists. The term "VFX artist is a short-form term for a visual artist that

1 utilises 3D animation software, and includes such skills as modelling, texturing, lighting,  
2 scene building, rigging, animation and dynamic animations such as explosions, dust, fire,  
3 sparks, smoke, liquid etc.

4  
5 An artist such as Plaintiff has complete mastery over the audio visual works they create  
6 and they may work independently or jointly as a team to achieve compelling photorealistic,  
7 or cartoon, or other visual imagery, for films and other media. Such artists in general have  
8 revolutionised the way modern films are made over the last few decades.

9  
10 The main producers of Iron Sky, Blind Spot Pictures have never had any adequate  
11 conveyance of copyright ownership from Plaintiff (or others) that allows them to make  
12 or authorise adaptations of the film Iron Sky such as video games, TV shows or any other  
13 adapted work.

14  
15 Iron Sky started off as an amateur production by a group of friends who had previously made  
16 a fan film parody called Star Wreck. They released this film for free on Youtube. For their  
17 next film idea they choose to make a film about a conspiracy theory relating to Germans from  
18 the Second World War escaping to the dark side of the Moon using anti gravity technology.  
19 This film became Iron Sky.

20  
21 These amateur film makers, were contacted by Tero Kaukomaa of Blind Spot pictures  
22 who helped them to devise marketing and funding strategies. Part of this strategy involved  
23 crowdsourcing and crowdfunding. A web platform called Wreckamovie ([https://en.wikipedia.](https://en.wikipedia.org/wiki/Wreckamovie)  
24 [org/wiki/Wreckamovie](https://en.wikipedia.org/wiki/Wreckamovie)) was set up with the premise of creating an Online community where



1 ordinary people could collaborate on film projects. A number of films utilised this new  
2 community collaboration method but Iron Sky stood out as the main film on the Platform.

3  
4 It is a somewhat unfortunate fact that the amateur nature of such a film production as Iron  
5 Sky meant that the amateur film makers themselves had very little acumen about the legal and  
6 business side of film making including distribution, let alone copyright management.

7  
8 Samuli Torssonen (amateur film maker) had set up a company called Energia Productions  
9 at an office in Tampere Finland and advertised for 3D artist to join the Iron Sky production.  
10 However, many of the artists that joined were offered “work training” agreements rather  
11 than employment contracts. This meant that Samuli Torssonen could keep costs low by  
12 not actually paying people for their contributions. Nor would he have to provide medical  
13 insurance, or other benefits or have to deal with tax issues. Apparently, this was the central  
14 premise behind Wreckamovie Platform. i.e. Get people to provide work for free!

15  
16 Consequently, many artists including plaintiff provided significant works, such as whole  
17 space ships, environments and animated scenes used in the film whilst no actual employment  
18 or service relationship existed for large parts of the production.

19  
20 Plaintiff is himself a high level professional with many years experience of copyright related  
21 productions and immediately saw the legal problems with the way the production was being  
22 developed. Plaintiff made it clear to Samuli Torssonen at the time that plaintiff would remain  
23 the copyright holder of the work - Not Samuli Torssonen, and not Energia Productions.

24 Plaintiff has never had any contractual relationship with Tero Kaukomaa or his company

1 Blind Spot Pictures. Plaintiff's perspective was that the circumstances around the production  
2 could create some kind of tacit implied "user license" that would allow the film to be  
3 exploited (if ever completed) but plaintiff knew full well that such a tacit limited license  
4 could never be adequate for any future use or adaptations, which would need by law, explicit  
5 written agreements signed by all parties. This is known as the Chain of Title. [https://www.  
6 goldenwaymediafilms.com/copyright-and-chain-of-title-in-film-and-tv-production/](https://www.goldenwaymediafilms.com/copyright-and-chain-of-title-in-film-and-tv-production/)  
7

8 Plaintiff would at least have some significant portfolio work even if the film project failed and  
9 could utilise such works himself in the future, as well as be in a strong position to negotiate  
10 for any future works or adaptations with Producers via explicit written licensing agreements.  
11

12 Furthermore, Iron Sky (film) is a foreign work, in that, the work originates outside of the US.  
13 The origin country of the work is regarded to be Germany under Berne Convention article 5  
14 (4) due to it being first published in Germany. Therefore, German copyright law applies in  
15 terms of first authorship laws. See *Itar-Tass Russian News v. Russian Kurier*, 153 F.3d 82  
16 There is no need to register foreign works with the US Copyright Office regardless of the fact  
17 that plaintiff has actually registered the film Iron Sky in the US.  
18

19 Germany has a Monistic system of copyright which makes corporate ownership of copyright  
20 impossible. Economic copyrights are inalienable as well as Moral rights, and cannot be  
21 transferred from the author or sold outright to a third party.  
22

23 Furthermore, under German law, a script/screenwriter is not even considered to be a joint  
24 author of a film. A film is a derivative work and is separate from the written manuscript.

1 For example, in the same way a film derived from a novel is a separate work.

2 Only the people who created the film, which is itself a series of images plus sound, can be  
3 authors of the film.

4  
5 *“The test is: would it be possible to exploit the contributions to the work independently of*  
6 *each other. If not, there is a work of joint authorship the copyright of which arises jointly in*  
7 *the co-authors, see Article 8(1) of the German Copyright Act. As a consequence, the ownership*  
8 *is held jointly by the co-owners. The joint property can only be transferred collectively.”*

9  
10 *“Thus unlike many other national copyright laws, according to German copyright law the*  
11 *authors of a script for a tv-film do not become joint authors of the tv-film- they are, just like*  
12 *the composer of the film music, authors of pre-existing works which are independent of the*  
13 *film work. Again, unlike U.S. law, German law does not know the work for hire doctrine*  
14 *according to which the initial ownership in the copyright of an audiovisual work may arise*  
15 *in the (legal) person who employed the persons who created the work. The copyright arises*  
16 *always in the individual person(s) who created the work.”*

17 COPYRIGHT Television “The Tunnel” District Court of Munich ZUM-RO2001/23.

18 <http://vahrenwald.eu/wp-content/uploads/2017/01/117.DistCtMunich.19.01.01.>

19 [TheTunnelJointAuthorshipAndTransferOfCopyright.2002.EntLR\\_.N2.pdf](#)

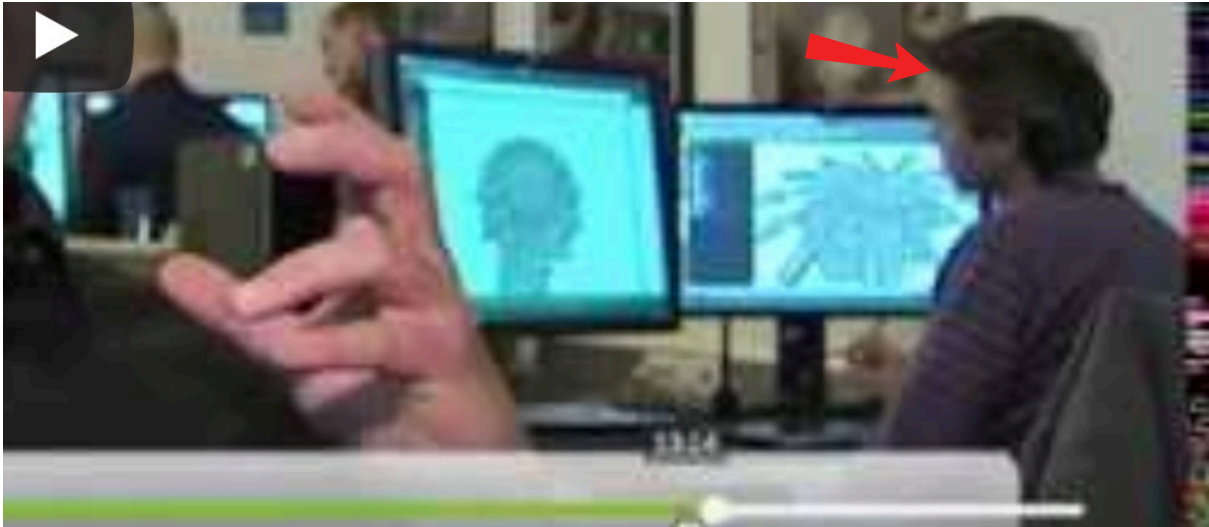
20  
21 Thus according to German copyright law the joint authors of a film has to include animators  
22 as they are the master minds behind their own rendered scenes which are themselves  
23 images that make up the film. The test is to take the work out of a film and see if it makes  
24 a difference. Clearly to take the work of the animators out of an animated film would have

1 made a hugely significant difference to the film. As mentioned there are 890 shots involving  
2 the animators works in Iron Sky. More than half the film. Plaintiff was the lead artist for  
3 the 3D animation of Iron Sky. He was involved with the production longer than most other  
4 artists and their work relied on his as he had to construct models, create animations and  
5 whole scenes himself before other authors could create their own animated scenes. The whole  
6 denouement of the film Iron Sky, where the Gotterdammerung craft rises and then crashes  
7 into the Moon was predominately plaintiff's work and the craft itself was too complex for  
8 other animators to use (see Fig. 3). Plaintiff was the modeling team supervisor and most of  
9 the models from the film went through him at some stage.



Fig. 3

16 All of the most complex animations such as the weapons reveal of the George W Bush Craft  
17 were created by him. Plaintiff created all of the complex scenes which required specialist  
18 rigging and animations, including destruction of craft scenes. The film simply would not  
19 exist without him. The animation team was only around ten artists and he is certainly one  
20 of the main authors of the whole film denoted by the fact his name is top of the list of VFX  
21 artists and he was still on the production for months finishing the remaining scenes for the  
22 Gotterdammerung crash after all other main artists had left the production. Plaintiff was seen  
23 on Finnish TV news demonstrating the Gotterdammerung to reporters in February 2012 and  
24 is the only senior 3D artist that remained.



**trevMTVNews29 02 2012 Ironsky**

[https://youtu.be/gWMJfLj5UJY?si=BGZTEUt\\_TYz1GHDH](https://youtu.be/gWMJfLj5UJY?si=BGZTEUt_TYz1GHDH)

Plaintiff was also on the red carpet and stage with other members of the film receiving ovations from the audience and plaudits about the animation work from the lead actor Udo Kier at the first screening of Iron Sky at the Berlin Film Festival February 2012.



**IronSky 2012Berlinale RedCarpetPremiere2012**

[https://youtu.be/PP895qHQGro?si=uPpuxQDKB9K\\_6Urr](https://youtu.be/PP895qHQGro?si=uPpuxQDKB9K_6Urr)

Regarding the above, it follows that Valve Corporation do not, and have never had, any license from plaintiff that allows them to distribute plaintiff's work, whether adapted into a video game or in any other way via their Online platforms or by sale or gift to consumers or in any other way.

To put it another way, Valve Corporation will not currently be able to produce to any court worldwide any valid license agreement or any other conveyance that would allow them to distribute and/or profit from any of plaintiff's copyrighted works now or in the future.

To be even more clear, Valve Corporation must be fully aware themselves that they do not have any valid license agreement or any other conveyance that would allow them to distribute and/or profit from any of plaintiff's copyrighted works.

And yet Valve Corporation continues to willfully infringe on plaintiff's exclusive copyrights and has received financial benefits from doing so. There is no justification for their actions.

Right is a screen grab for the main page of Iron Sky Invasion on Valve Corporations Steam Platform (Fig. 4)

*Iron Sky Invasion*

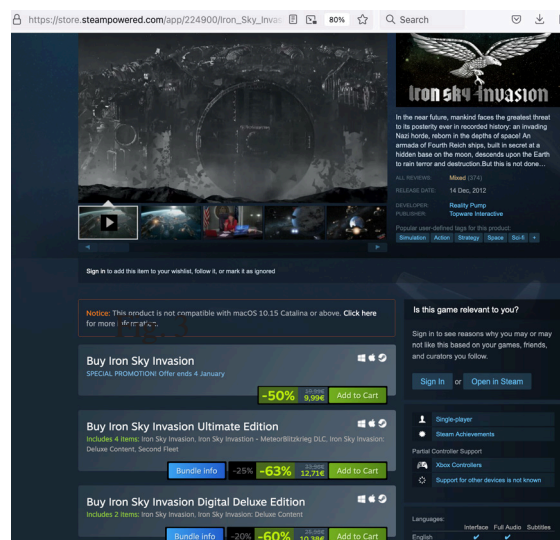


Fig. 4

[https://store.steampowered.com/app/224900/Iron\\_Sky\\_Invasion/](https://store.steampowered.com/app/224900/Iron_Sky_Invasion/) (Accessed 22 Dec 2023)



#### IV CLARIFICATION OF CLAIMS

• *Valve Corporation has distributed plaintiff's copyrighted works worldwide without authorization from plaintiff via numerous games related to the film Iron Sky of which Plaintiff is an author.*

Valve Corporation is a video game distributor that operates a PC Desktop Gaming Platform called "Steam Gaming Platform" and a PC Desktop Game Distributor called the "Steam Store".

The games (and related media) that Valve are distributing which infringe plaintiff's copyright are listed on the following links (all accessed 22 December 2023),

***Iron Sky Invasion***

[https://store.steampowered.com/app/224900/Iron\\_Sky\\_Invasion/](https://store.steampowered.com/app/224900/Iron_Sky_Invasion/)

***Iron Sky Invasion: Meteorblitzkrieg***

[https://store.steampowered.com/app/234880/Iron\\_Sky\\_Invasion\\_Meteorblitzkrieg/](https://store.steampowered.com/app/234880/Iron_Sky_Invasion_Meteorblitzkrieg/)

***Iron Sky Invasion: Deluxe Content***

[https://store.steampowered.com/app/547430/Iron\\_Sky\\_Invasion\\_Deluxe\\_Content/](https://store.steampowered.com/app/547430/Iron_Sky_Invasion_Deluxe_Content/)

***Iron Sky Invasion: The Second Fleet***

[https://store.steampowered.com/app/234860/Iron\\_Sky\\_Invasion\\_The\\_Second\\_Fleet/](https://store.steampowered.com/app/234860/Iron_Sky_Invasion_The_Second_Fleet/)

***Reality Pump Studios 35th Anniversary*** is a bundle available to download and play for \$57.80. It includes 41 apps and 41 packages. (Including Iron Sky Invasion)

<https://steambase.io/bundles/reality-pump-studios-35th-anniversary>

***Iron Sky Invasion Communiy Items including playing cards***

<https://steamdb.info/app/224900/communityitems/>

<https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/588e53c8d14edc7846cd8370846b59b34d72b0b1.jpg>

<https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/8767badc9b7a8188e38993fd1d4e3731ae3baa39.jpg>

<https://cdn.cloudflare.steamstatic.com/steamcommunity/public/images/items/224900/613a5912b57981e018970b5e923e2b0d9b3413fd.jpg>

<https://steamcommunity.com/app/224900>

<https://steamcommunity.com/app/224900/screenshots/>

<https://steamcommunity.com/sharedfiles/filedetails/?id=1847551157>

Valve Corporation also encourage their own clients to download and distribute copies of Plaintiff's works to other web platforms such as Youtube and social media

<https://steamcommunity.com/app/224900/screenshots/#scrollTop=0>

"Contributing Screenshots, Artwork and Videos to the Steam Community By Jimo...I will give you instructions on how you can contribute your own screenshots, artwork and videos for your favorite games to the Steam community.... Sharing Screenshots. Screenshots you've taken within a game using the Steam screenshot key can be uploaded using the screenshot uploader tool. By default this button is bound to "F12", and can be edited within the Steam settings....Open the Steam client and click on "View" and then "Screenshots" at the top to access the screenshot uploader....Once you're done linking your YouTube account with Steam return to the videos page on your Steam profile and select the "Add videos from YouTube" button near the top. Clicking on this button will give a page which looks like the following:" <https://steamcommunity.com/sharedfiles/filedetails/?id=181142704> (Accessed 22 Dec 2023)



Below Fig. 3 and 4, are examples of “screen shots” Valves customers are encouraged to share. This is just a few examples show. There appear to be numerous amounts which is impractical to list individually but all accessible through this link, <https://steamcommunity.com/app/224900/screenshots/#scrollTop=0> (Accessed 22 Dec 2023)

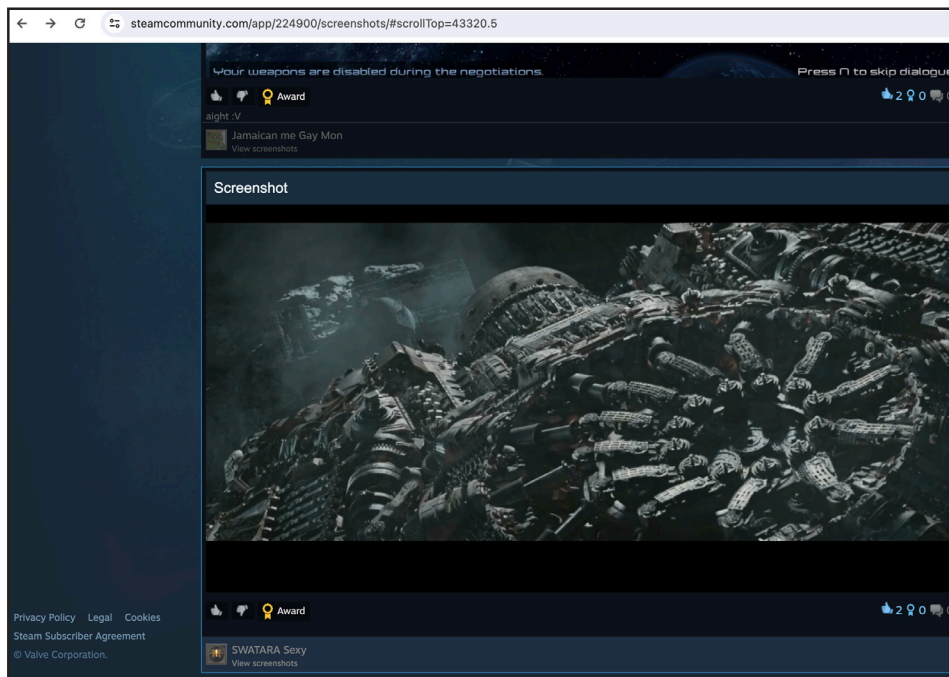


Fig. 3

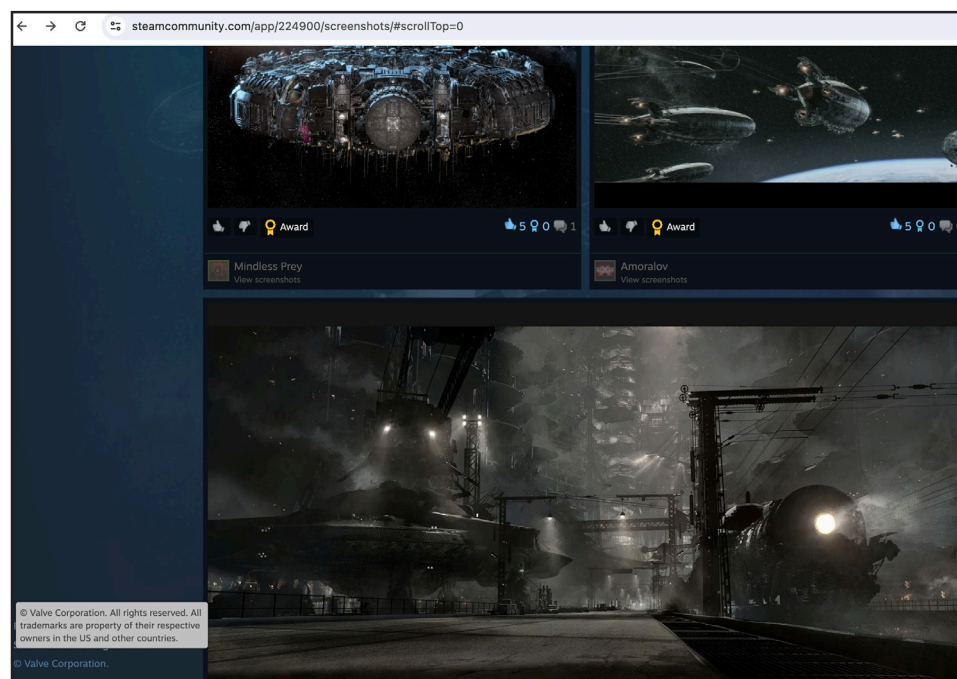


Fig. 4

## V. IDENTIFICATION OF WORKS WITHIN IRON SKY

As mentioned above, plaintiff is a joint author of the whole film Iron Sky and shares a copyright interest equally with other joint authors of the film. In addition, the actual space crafts and other models in the film can be used separately in other media as evidenced by the game Iron Sky Invasion itself.

Plaintiff not only claims joint authorship of the film Iron Sky as a whole but also claims authorship to the 3D models as part of the film themselves. He was modeling supervisor in charge of the modeling team. In particular plaintiff had hands on involvement regarding his own personal formative freedoms to leave his mark on the following works, which are predominantly used in Iron Sky Invasion as actual game play and related media, and which Valve corporation are unlawfully distributing world wide without license to do so from plaintiff.

Plaintiff was in charge of the main construction of the George W Bush craft (Fig.5). It had to accommodate his own complex modeling, rigs and animations as well as it be prepared for use by other team members in future battle scenes.

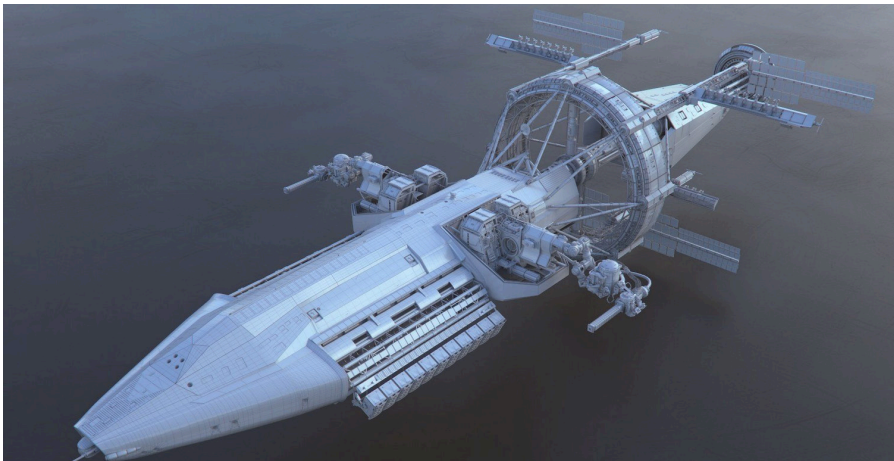


Fig. 5

## 3D Models VFX and Animation Authorship

### USS George W Bush Spacecraft.

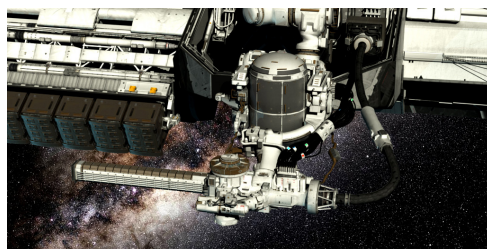
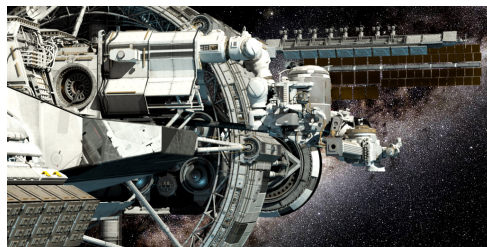
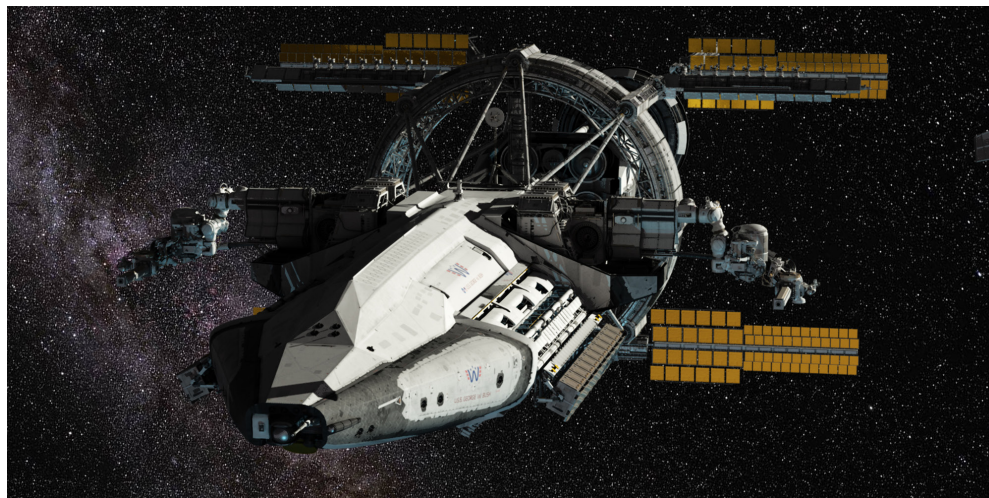
#### Main authors

Trevor Kevin Baylis

Erkko Huhtamäki

PyryParkola

Iron Sky film Originals





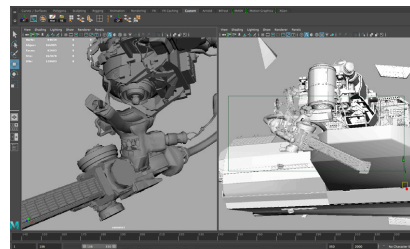
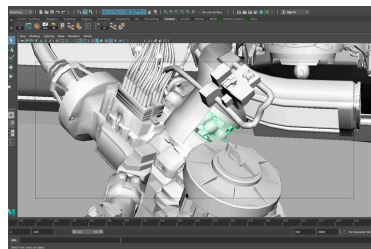
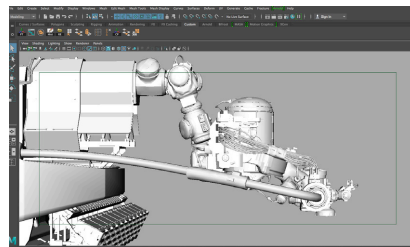
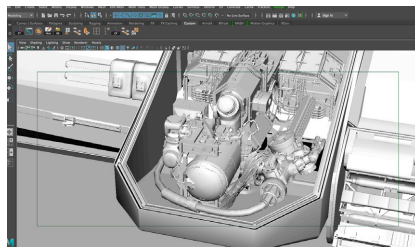
## 3D Models VFX and Animation Authorship

### USS George W Bush Spacecraft Weapons.

#### Main authors

Trevor Kevin Baylis

Iron Sky film Originals



## 3D Models VFX and Animation Authorship

### USS George W Bush Spacecraft.

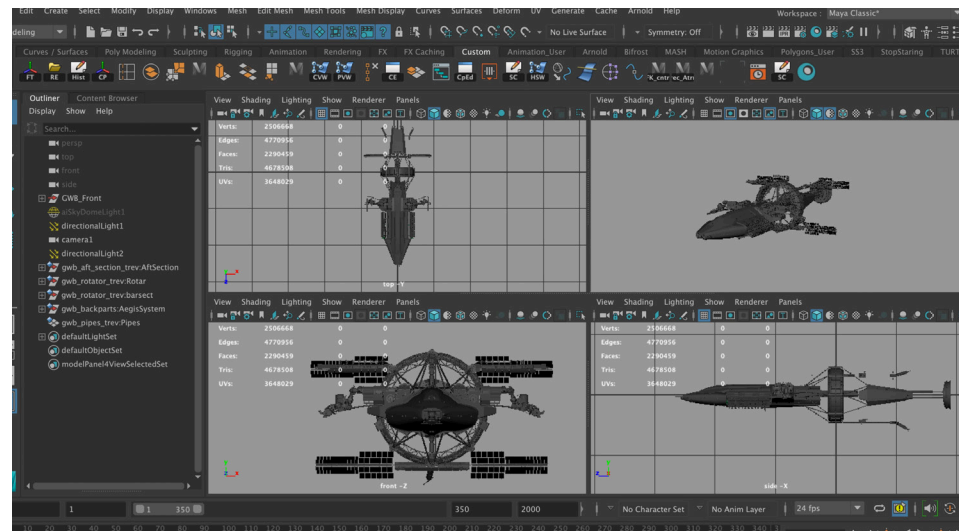
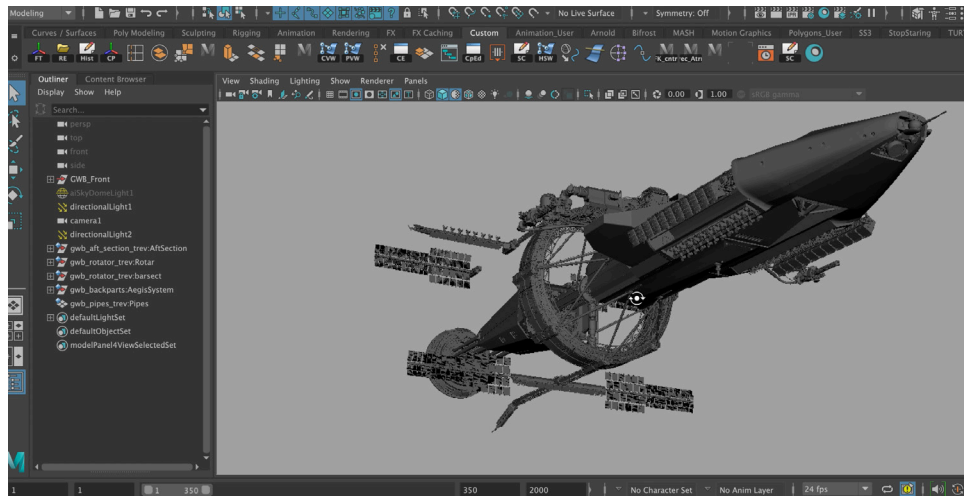
#### Main authors

Trevor Kevin Baylis

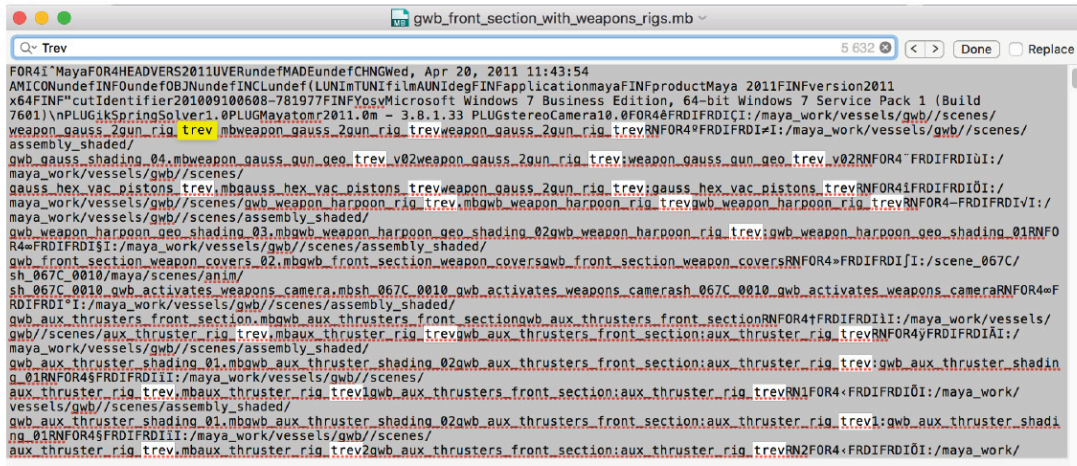
Erkko Huhtamäki

PyryParkola

#### Iron Sky film Originals



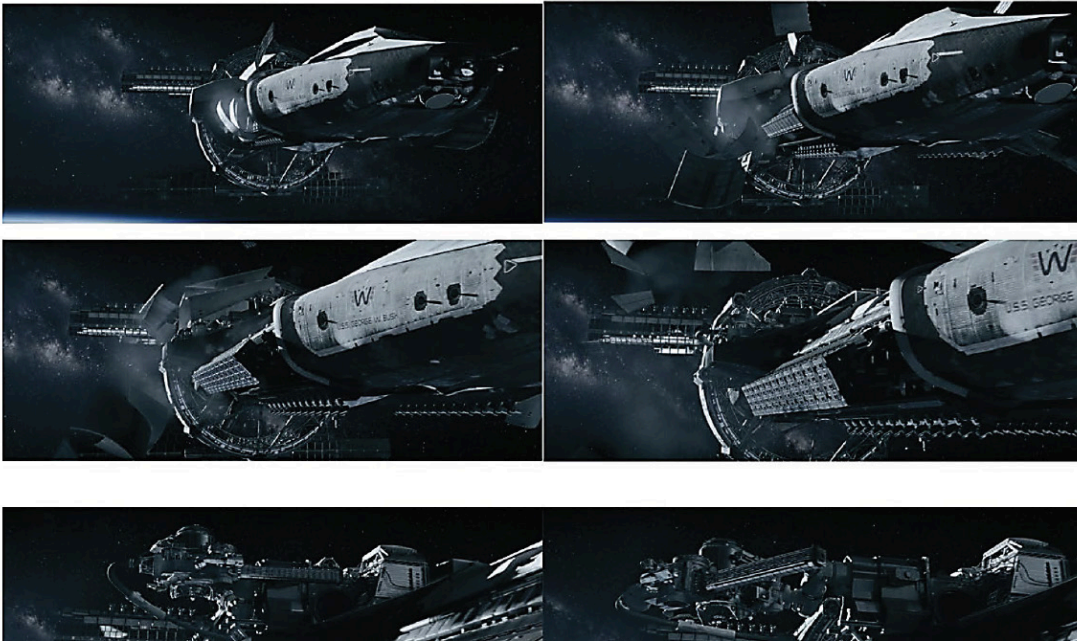
Example of 3D file meta data with my name in it - This is for the George W Bush weapons revel scene



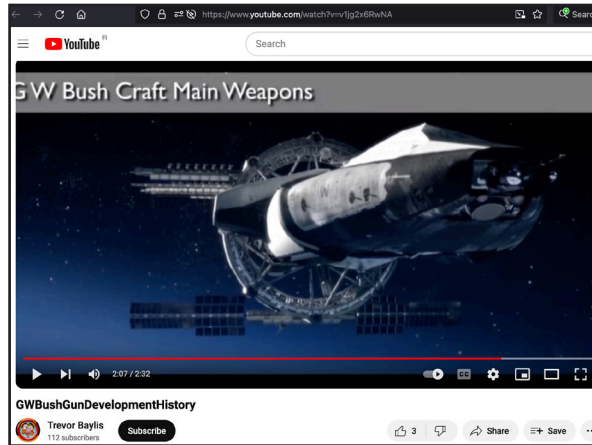
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In this below video (link) plaintiff demonstrates the construction of the main weapons for the George W Bush craft and the other animations . **It is important to note that plaintiff was unemployed at the time he created this and did not have any kind of employment or service relationship with anyone.**



### **GWBushGunDevelopmentHistory**

<https://youtu.be/v1jg2x6RwNA?feature=shared>

The video shows the file names, which have plaintiff’s name on them “trev” as captions in the video. It shows how he starts by using basic shapes to work out the animation and then adds more detailing to the geometry. Then the weapons are attached to the larger model and he continue animating the scene including all other aspects of the craft such as covers blowing off and other weapons unrolling from the sides of the craft. This was one of the most salient scenes in the film as it showed the fight back against the invasion of the Earth. The idea being that the craft had the character of a Texas gun slinger, un-holstering it’s guns in an elaborate and theatrical way to convey drama to the audience. The Gunslinger idea was plaintiff’s own and the creation of the gun and animations contain his own original expression.

Plaintiffs original ideas and expressions permeate the rest of his work on the film.



### 3D Models VFX and Animation Authorship

#### USS George W Bush Spacecraft.

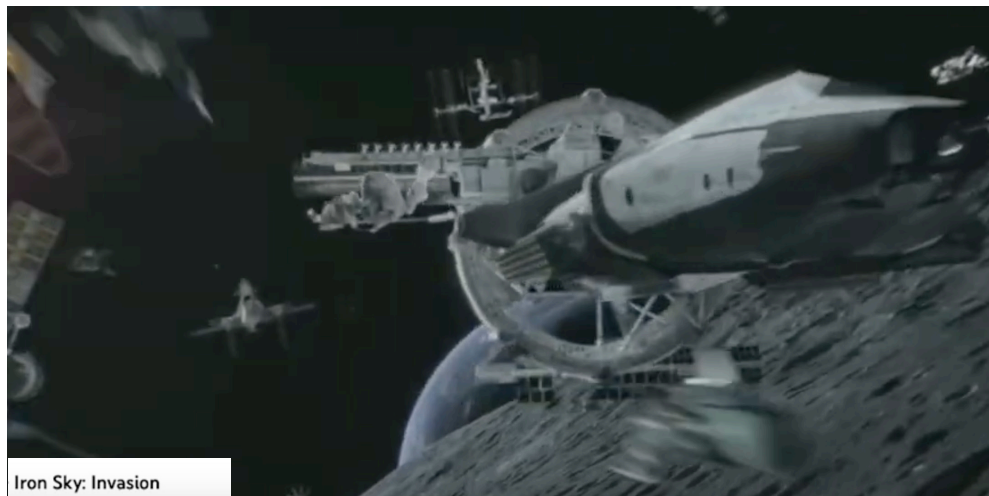
##### Main authors

Trevor Kevin Baylis

Erkko Huhtamäki

PyryParkola

#### Iron Sky Invasion version of plaintiff's copyrighted works



<https://www.youtube.com/playlist?list=PLCAwXPVHuHgAXbCPiOQAcI6uljwz5dIOG>



## Iron Sky Invasion version of plaintiff's copyrighted works

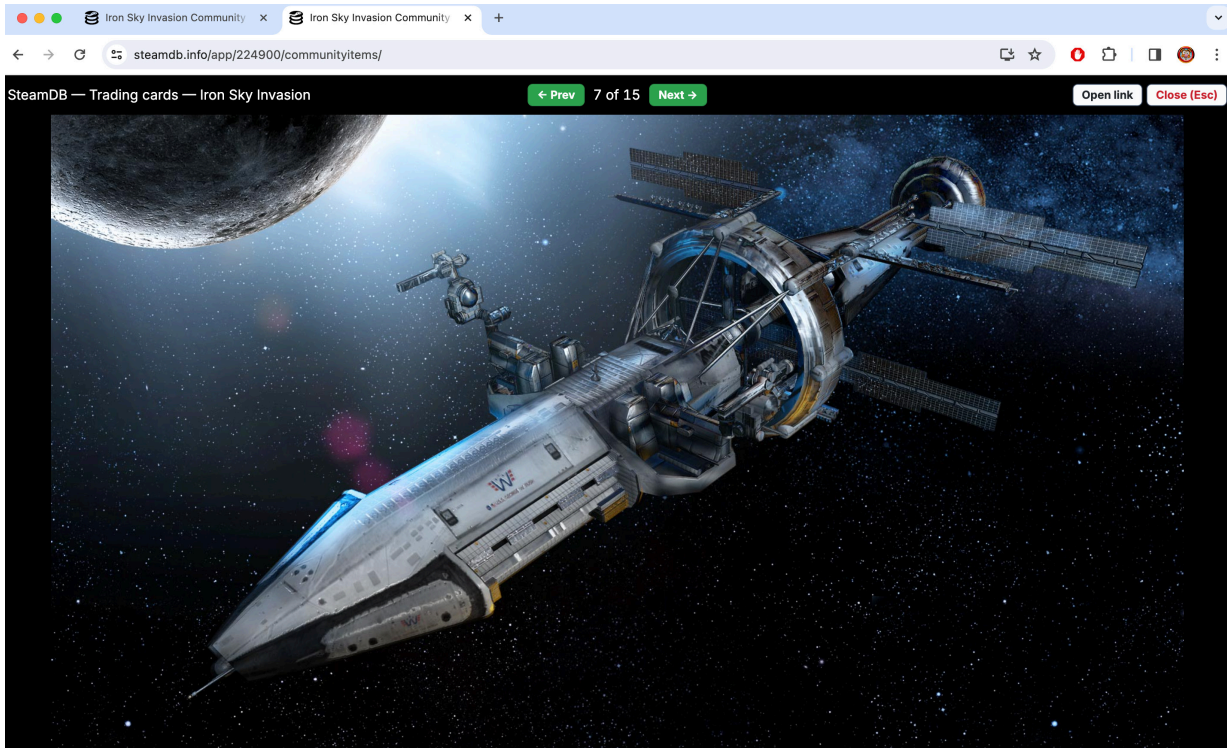


Fig. 6

This craft from the game Iron Sky Invasion (Fig. 6) is a clear adaption of plaintiff's work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the George W Bush Craft in the film Iron Sky, which plaintiff is the author of, and has exclusive copyrights to.

There can be no disagreement that Valve Corporation is infringing on plaintiff's exclusive copyrights. Plaintiff is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by plaintiff to distribute his work in any adaptation or derivative of the film Iron Sky.

1 Plaintiff's Gotterdammerung craft (Fig. 7) from Iron Sky also features heavily in the  
2 game and in footage from the film used in the game. Plaintiff is the main creator of the  
3 Gotterdammerung craft and led a team of six other modelers when constructing it. In  
4 particular plaintiff had hands on involvement regarding his own personal formative freedoms  
5 to leave his mark on the Gotterdammerung craft. He had full control and final say of it's  
6 construction, the way it was rigged, and he also personally animated it in all scenes that it  
7 appears in the film including animating the destruction of the craft at the end of the film. It  
8 was a complex model that no one else on the team could use as it took specialist knowledge  
9 that only plaintiff had.

10  
11 The idea of the craft is that it is a kind of Von Neumann Machine (self replicating of sorts)  
12 capable of burrowing into the surface of the Moon like a skin parasite, to extract raw  
13 materials for use within it's own automated factories and furnaces. Inside itself it creates  
14 production lines of other craft such as the Valkyrie UFOs as well as munitions etc.

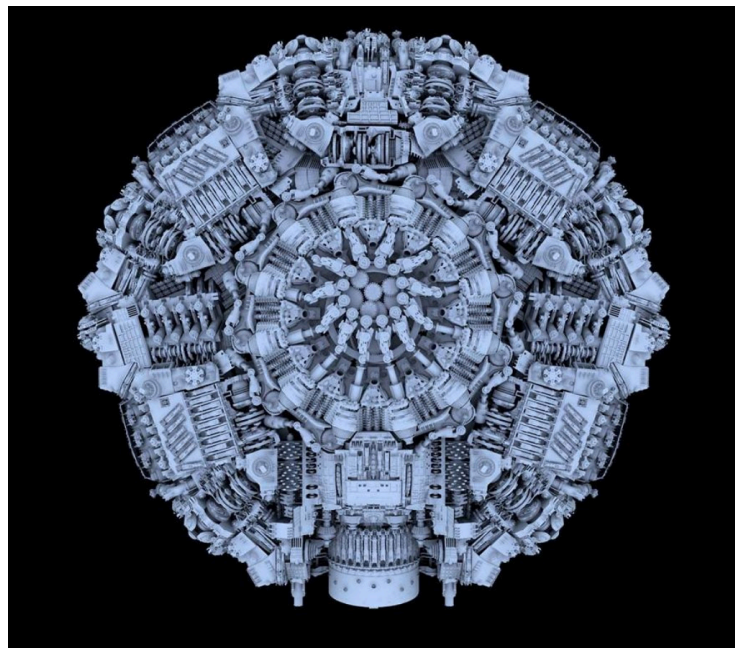


Fig. 7

## 3D Models VFX and Animation Authorship

Gotterdammerung war machine.

### Main authors

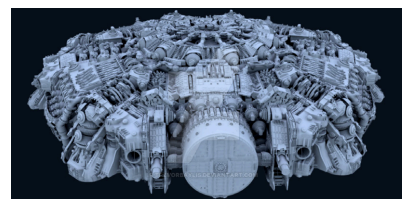
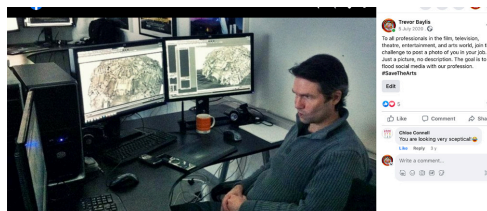
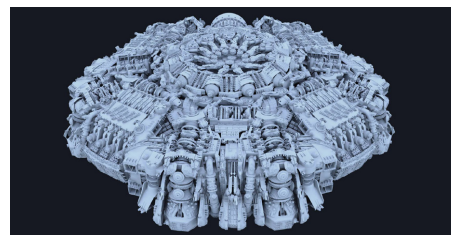
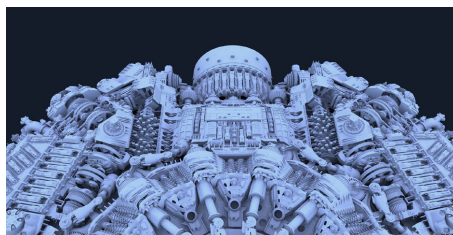
Trevor Kevin Baylis

Pyry Parkola

Seb Barquin

Risto Puukko

Iron Sky film Originals





3D Models VFX and Animation Authorship

Gotterdammerung war machine.

Main authors

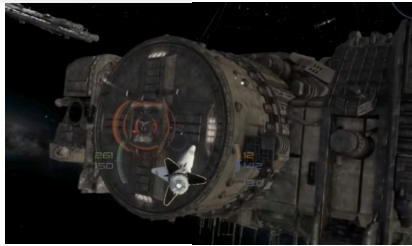
Trevor Kevin Baylis  
Pry Parkola  
Seb Barquin  
Risto Puukko

Iron Sky Invasion version of plaintiff's copyrighted works



Iron Sky: Invasion

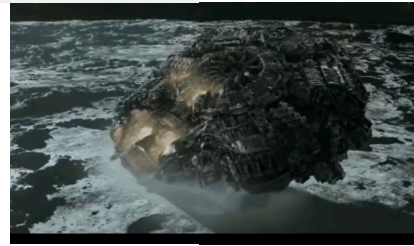
Iron Sky: Invasion



Iron Sky: Invasion



Iron Sky: Invasion



Iron Sky: Invasion



<https://www.youtube.com/playlist?list=PLCAwXPVHuHgAXbCPIQQAcl6uljwz5dIOG>

## Iron Sky Invasion version of plaintiff's copyrighted works

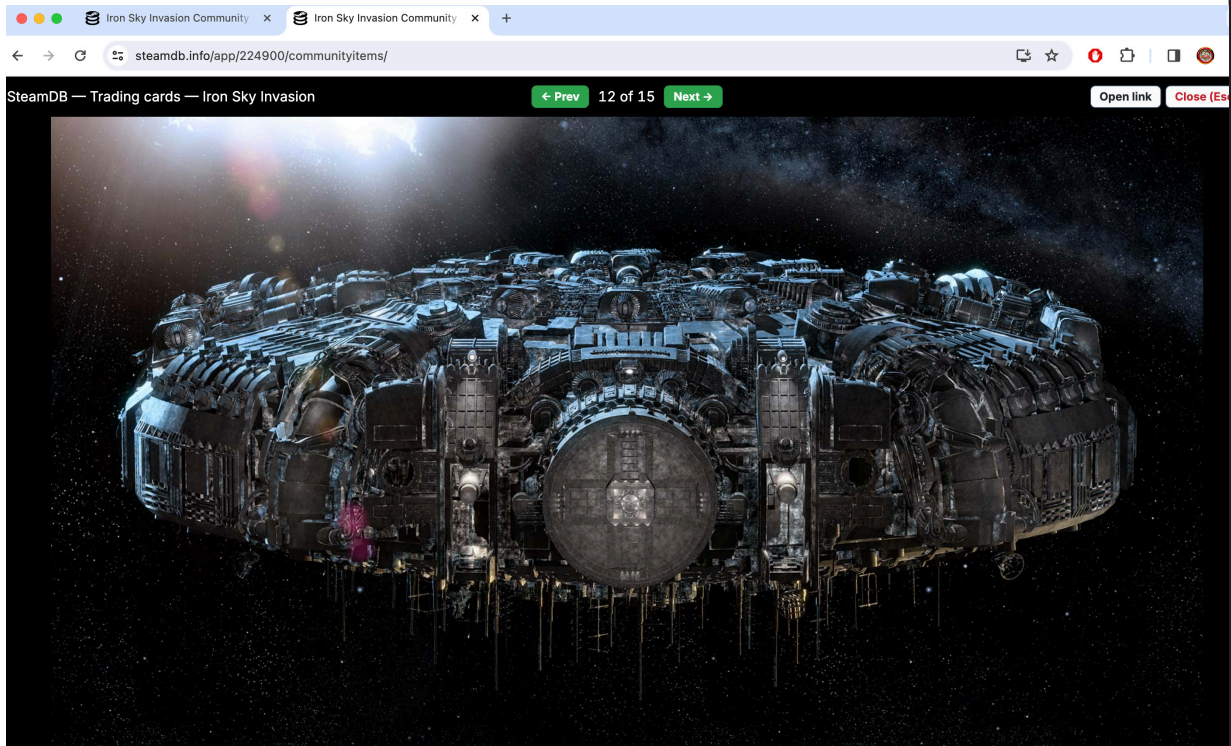


Fig. 8

This craft from the game Iron Sky Invasion (Fig. 8) is a clear adaption of plaintiff's work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Gotterdammerung Craft in the film Iron Sky, which plaintiff is the author of, and has exclusive copyrights to.

There can be no disagreement that Valve Corporation is infringing on plaintiff's exclusive copyrights. Plaintiff is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by plaintiff to distribute his work in any adaptation or derivative of the film Iron Sky.

1 The Iron Sky Valkyrie UFO in the Intro sequence of Iron Sky Invasion as well as promotional  
2 media for Iron Sky Invasion games is the same model used in the film Iron Sky that plaintiff  
3 has a joint copyright interest in along with other authors of the film. Plaintiff has modeled part  
4 of the craft along with other members of the team as well as made lower polygon derivative  
5 versions of the model entirely from scratch for future uses in future productions in games and  
6 sequels (Fig.9), as well as a new version prepared for 3D printing merchandise (Fig. 10).

7 <https://www.shapeways.com/product/7W9AD8A6X/valkyrie-ufo-from-iron-sky-2012>



Fig. 9



Fig. 10



## 3D Models VFX and Animation Authorship

### Valkyrie UFO.

#### Main authors

Janne Suhonen

Trevor Kevin Baylis

Risto Puukko

Iron Sky film Originals



Below are two images (Fig. 11) representing a single frame from a 3D modeled animated sequence created by plaintiff for the film Iron Sky. The top image shows the 3D interface and the bottom image is the rendered 2D image. This scene contains multiple Valkyrie UFOs which are derivative versions of each other. This is the 57th version of the scene. That is to say there are multiple earlier versions, created also by plaintiff, of the whole scene but this is the final version used in the film. This scene contains multiple, personal, formative expression from plaintiff and depicts the films protagonist being taken into the Moon fortress. It is designed to give the audience the impression of an advanced bustling industrial city.

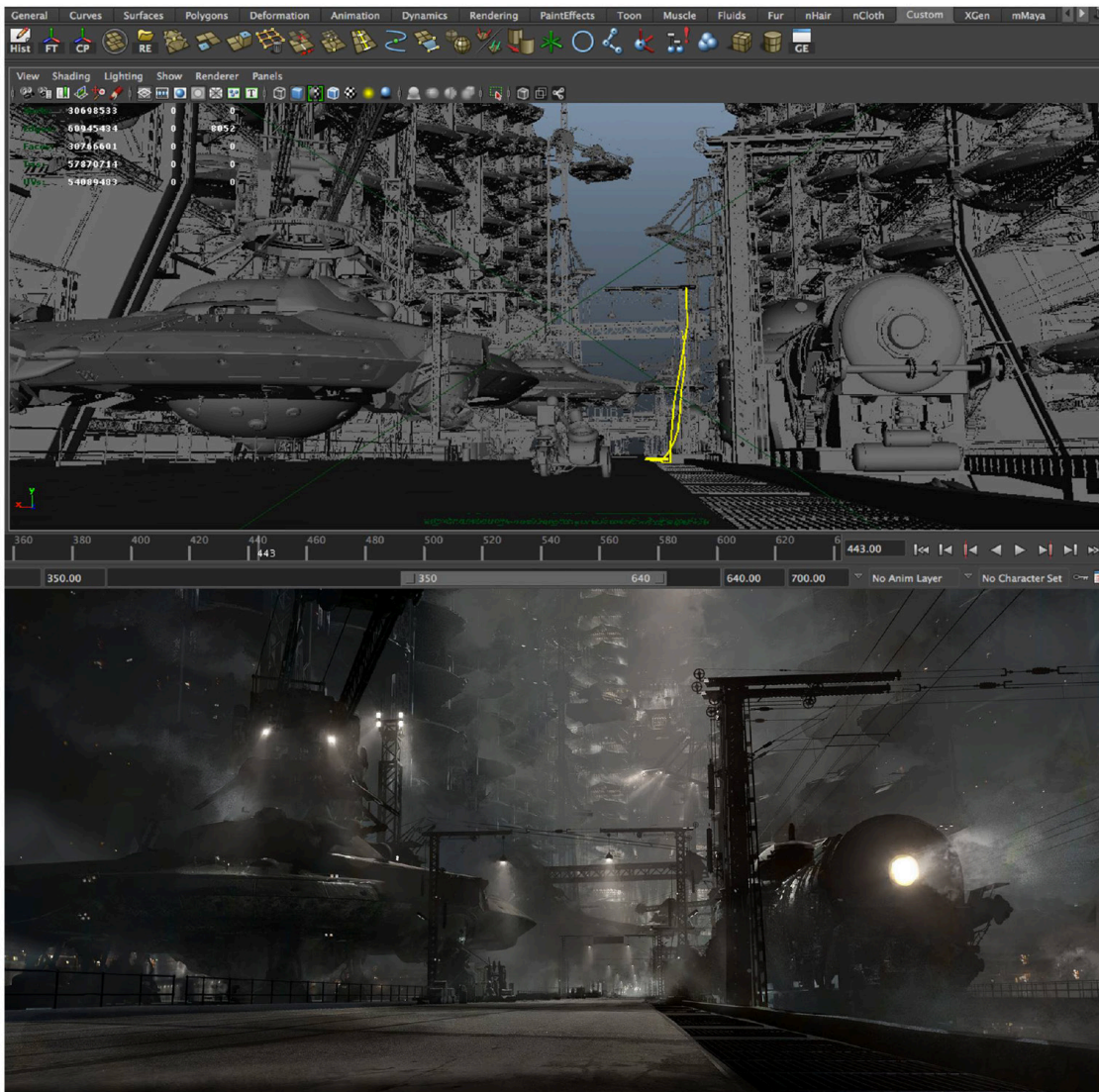


Fig. 11



These images below (Fig. 12) depict frames of the animated scene created by plaintiff. Each frame is rendered basically as a series of photographic image files (Often EXR.files). The images then end up as the images of the film itself. It is not necessary to delineate such scenes in any script or storyboard as the pre-rendered scene works as better a guide itself to aid plaintiff in expressing his personal formative freedoms. These can be viewed as a rough animation sequence know as a “playblast” see here,

<https://youtu.be/tQaBcUKuHFo?feature=shared>

### Iron Sky park hangar master scene v57

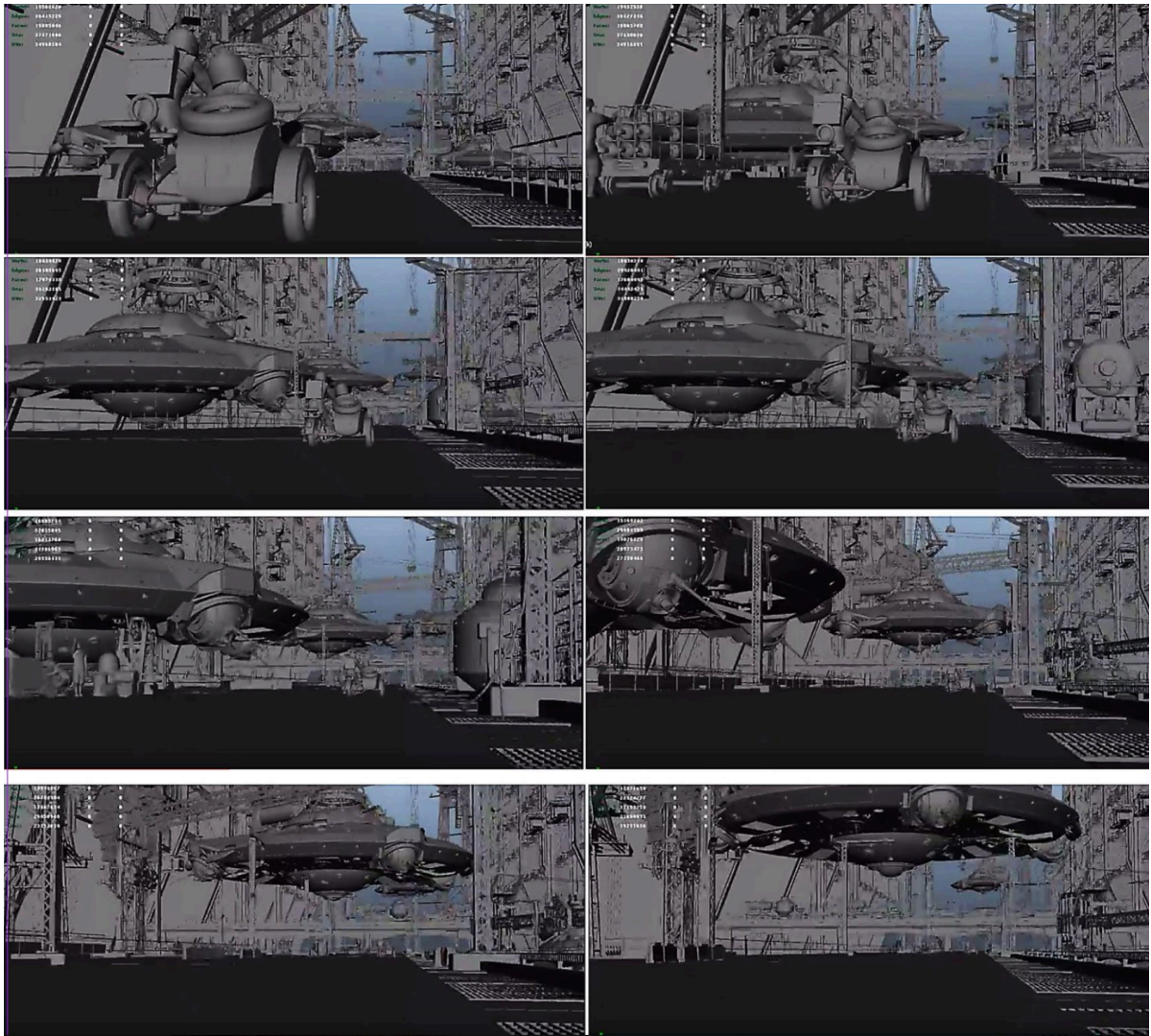


Fig. 12

## Iron Sky Invasion version of plaintiff's copyrighted works

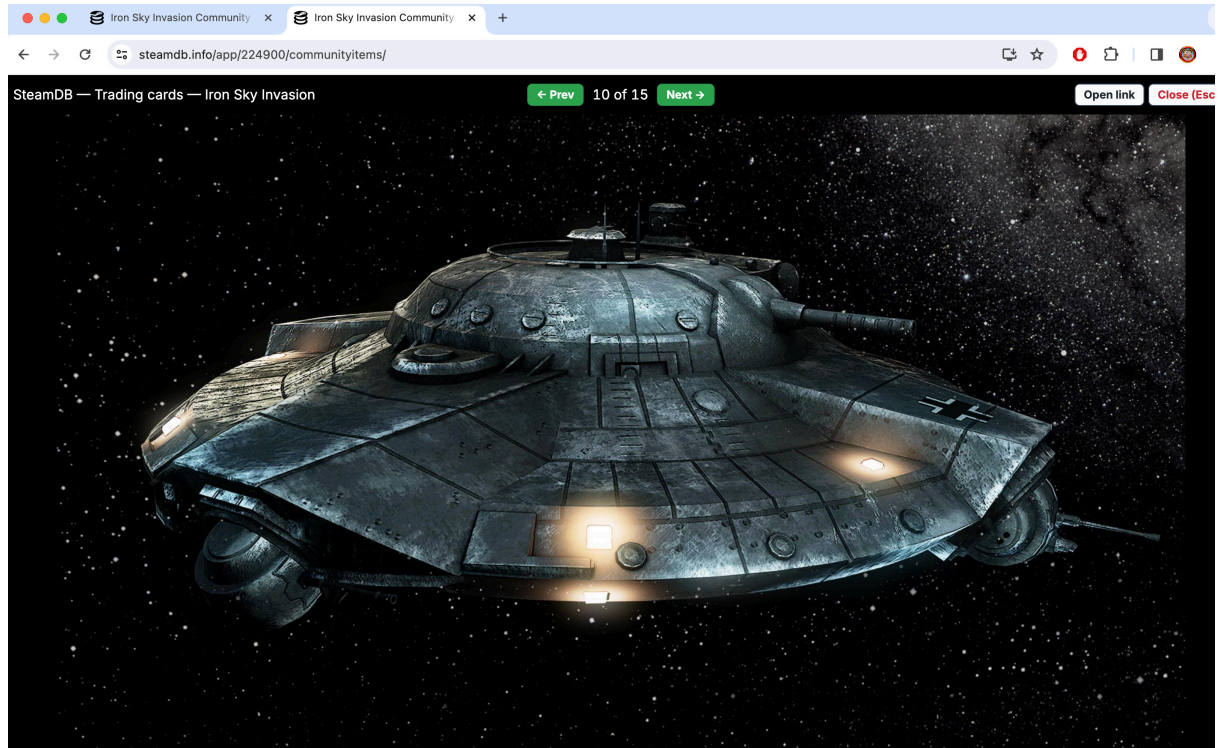


Fig. 13

This craft from the game Iron Sky Invasion (Fig. 13) is a clear adaption of plaintiff's work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Valkyrie Craft in the film Iron Sky, which plaintiff is the joint author of, and has exclusive copyrights to.

There can be no disagreement that Valve Corporation is infringing on plaintiff's exclusive copyrights. Plaintiff is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by plaintiff to distribute his work in any adaptation or derivative of the film Iron Sky.

1 The Australian ship (Fig. 14) features heavily in Iron Sky Invasion Game play. Plaintiff is  
2 an original author of that ship. The idea behind the Dundee is to express characteristics of  
3 dangerous animals that Australia is know for. As such the craft is based on a combination  
4 of a shark, crocodile and the way a funnel web spider flares out it's limbs in an aggressive  
5 stance. So the front end of the craft, which is initially shark like, opens up like a crocodile  
6 (albeit with three sections) to reveal an array of teeth like missiles while the sun flaps on the  
7 side open and flare out, emulating the attack stance somewhat of a funnel web spider. Again  
8 these things are part of plaintiffs personal formative freedoms in constructing, rigging and  
9 animating the craft and as with all the craft and animated scenes in the film, he holds a joint  
10 copyright interest in them as part of the film Iron Sky, to which he holds a joint copyright  
11 over the whole of the film due to being the lead artist and animator of the animation team.

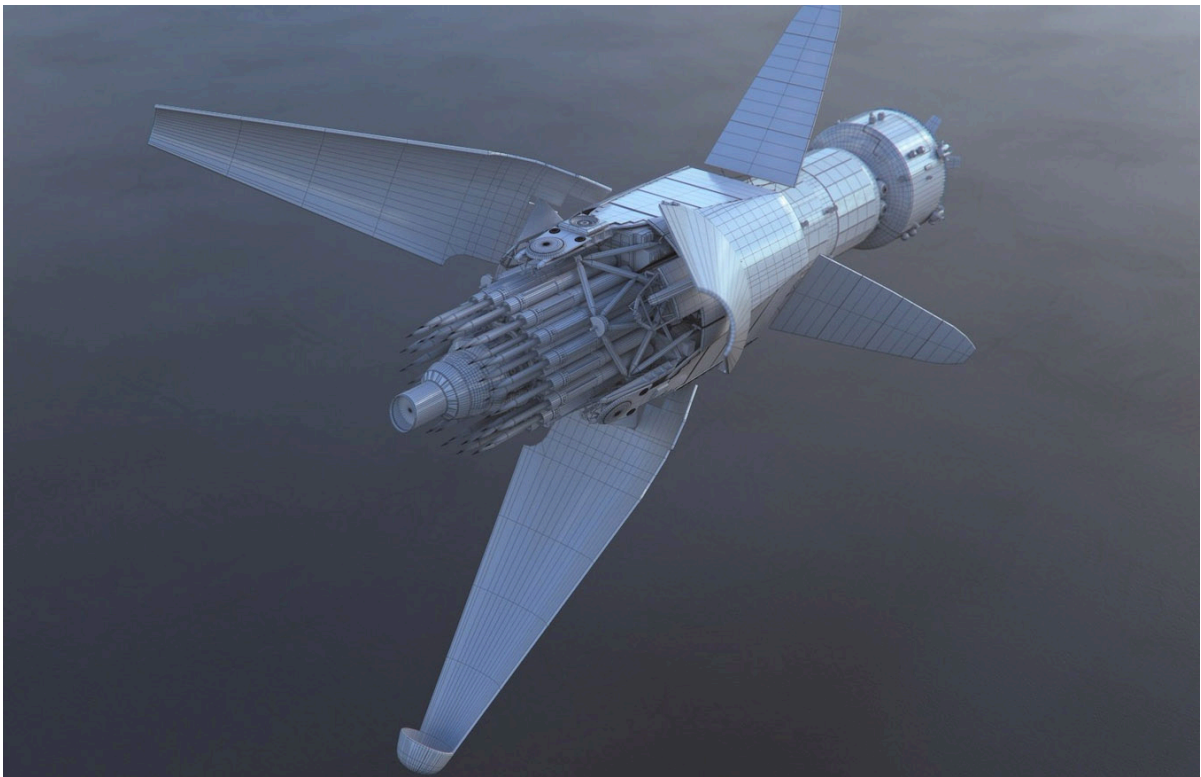


Fig. 14

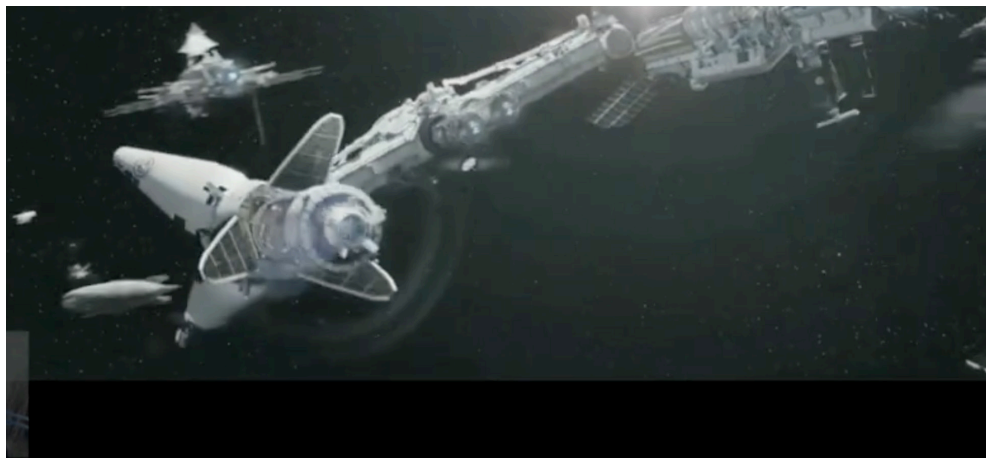


## 3D Models VFX and Animation Authorship

### Australian ship (Dundee)

Main author

Trevor Kevin Baylis



Iron Sky: Invasion <https://www.youtube.com/watch?v=C9WKMHDIm9o>

Iron Sky film Originals





3D Models VFX and Animation Authorship

Australian ship (Dundee)

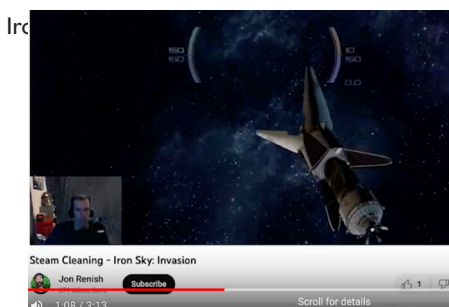
Main author

Trevor Kevin Baylis

Iron Sky Invasion version of plaintiff's copyrighted works



Iron Sky: Invasion <https://www.youtube.com/watch?v=C9WKMHDIm9o>



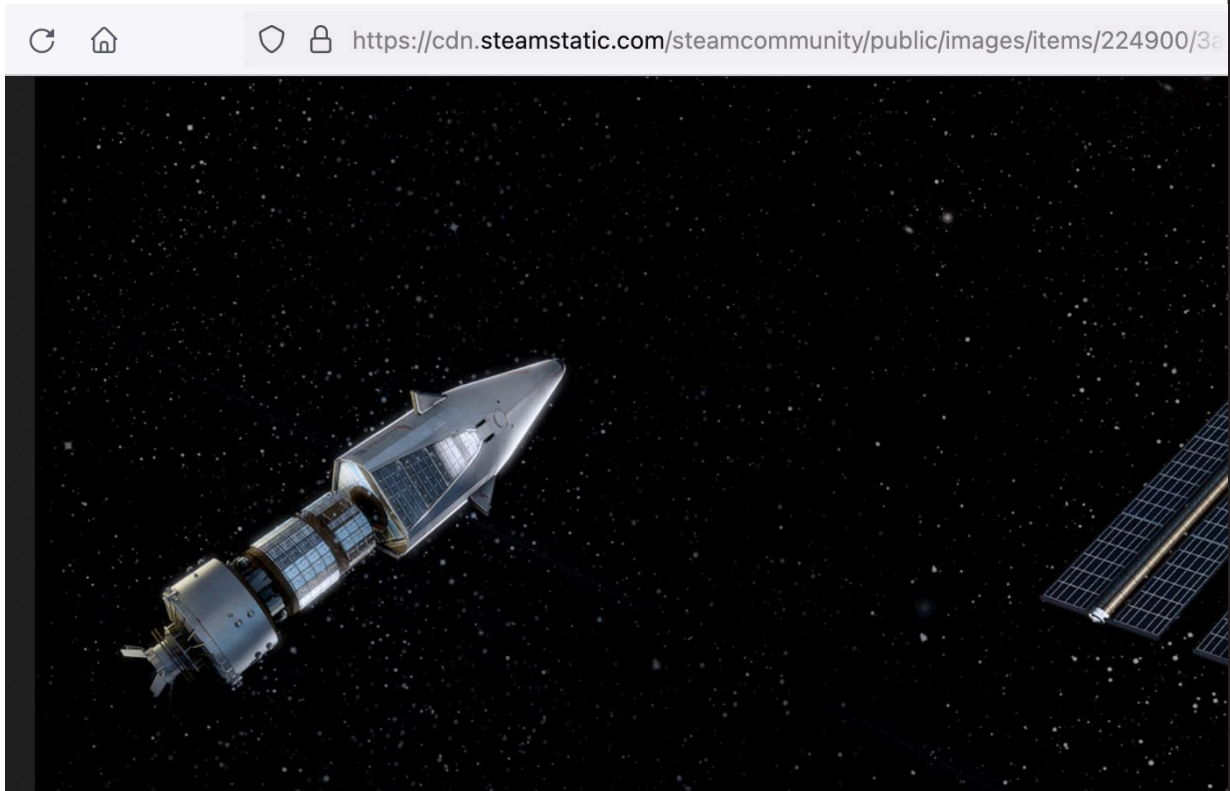
**Iron Sky Invasion version of plaintiff's copyrighted works**

Fig. 15

This craft from the game Iron Sky Invasion (Fig. 15) is a clear adaption of plaintiff's work, which is being unlawfully distributed by Valve Corporation. It is the same craft as in the film Iron Sky, footage of which, is also is being distributed by Valve Corporation, and which they have obtained financial gain from. The craft is a significantly similar to the Australian Craft in the film Iron Sky, which plaintiff is the joint author of, and has exclusive copyrights to.

There can be no disagreement that Valve Corporation is infringing on plaintiff's exclusive copyrights. Plaintiff is an unequivocal author of the work in question. Valve Corporation cannot produce a valid "Chain of Title" that establishes a connection to any permissions granted by plaintiff to distribute his work in any adaptation or derivative of the film Iron Sky.

## VI. CHAIN OF TITLE

As mentioned previously, plaintiff joined the Iron Sky project but without any employment relationship or service agreement with anyone. Instead, as shown below (Fig. 16) the document he had for the first 6 months (2x3month agreements) was for some kind of “Adult job training” (Työelämävalmennus) <https://toimistot.te-palvelut.fi/uusimaa/tyohonvalmennus> which, it turns out is commonly used by employers in Finland to acquire free professional labour for 6 months at a time. <https://www.saranen.fi/rekrytointikoulutus/gamepro>

28.1.2011  
jako

**Työ- ja elinkeinotoimisto**

**SOPIMUS TYÖHARJOITTELUSTA/TYÖELÄMÄVALMENNUKSESTA**

☐ Työharjoittelu ☒ Työelämävalmennus

Työharjoittelun/työelämävalmennuksen järjestäjä <b>TUUTANTOYHTIÖ ENERGIA OY</b>		Y-tunnus <b>2018038-7</b>	Työ- tai virkasuhteessa olevan henkilöstön määrä <b>9</b>
Osoite <b>HÄMEENKATU 305 1A</b>	Postitoimipaikka <b>TAMPERE</b>	Puhelin <b>Private info</b>	Sähköpostiosoite <b>Private info</b>
Yhteyshenkilö työpaikalla <b>SAMU TOSSONEN</b>		Puhelin <b>Private info</b>	Sähköpostiosoite <b>Private info</b>
Työpaikan luottamusmies tai työntekijöiden edustaja		Puhelin	Sähköpostiosoite
Työharjoitteluun/työelämävalmennukseen osallistuva henkilö <b>TREVOR BAYLIS</b>		Henkilötunnus <b>Private info</b>	
Osoite <b>Private info</b>	Postitoimipaikka <b>Eitayteta 3560 TAMPERE</b>	Puhelin	Ei täytetä
Työ- ja elinkeinotoimisto		Puhelin	
Osoite	Postitoimipaikka		

Onko työharjoittelun/työelämävalmennuksen järjestäjä ennen tämän sopimuksen tekemistä edeltäneiden yhdeksän kuukauden aikana tuotannollisista tai taloudellisista syistä irtisanonut tai lomautanut työntekijöitä tai lyhentänyt heidän työaikaansa?  
☒ ei ☐ kyllä

Työ- ja elinkeinotoimisto, työharjoittelun/työelämävalmennuksen järjestäjä ja työharjoitteluun/työelämävalmennukseen osallistuva henkilö ovat tehneet sopimuksen työharjoittelusta/työelämävalmennuksesta julkisesta työvoimapaiv-velusta annetun lain nojalla seuraavin ehdoin:

1. Työharjoittelu/työelämävalmennus toteutetaan **2011-08-15** 2011 välisenä aikana. (Kesto voi olla enintään 6 kuukautta saman järjestäjän työharjoittelussa/työelämävalmennuksessa.)
2. Työharjoittelun/työelämävalmennuksen viikottainen ja päivittäinen kesto on: **5** päivää/viikko **7,5** tuntia/päivä Työharjoittelu/työelämävalmennus toteutetaan seuraavina viikonpäivinä (esim. ma-pe tai ma, ke, pe): **ma-pe**
3. Työharjoittelun/työelämävalmennuksen suorituspaikka: **TUUTANTOYHTIÖ ENERGIA OY TOIMIKAT**
4. Tehtävät työharjoittelussa/työelämävalmennuksessa (yksilöity kuvaus):  
**3D-MALLINNUS & ANIMOINTI IRON SKY-ELOKUVAN VARTEN**
5. Työllistymissuunnitelmassa työharjoittelulle/työelämävalmennukselle sovitut tavoitteet:
6. Työharjoitteluun/työelämävalmennukseen osallistuva henkilö ei ole työ- tai muussa palvelussuhteessa tässä sopimuksessa mainittuun työharjoittelun/työelämävalmennuksen järjestäjään eikä työ- ja elinkeinohallintoon.
7. Työharjoitteluun/työelämävalmennukseen osallistuva henkilö ei saa tehdä muun kuin tämän sopimuksen tehneen työharjoittelun/työelämävalmennuksen järjestäjän tehtäviä sovitussa suorituspaikassa.
8. Työharjoitteluun/työelämävalmennukseen osallistuvaan henkilöön sovelletaan työaikalain 7 luvun 35 §:n säännöksiä työvuoroluettelosta.
9. Työharjoitteluun/työelämävalmennukseen osallistuvaan henkilöön sovelletaan naisten ja miesten välisestä tasa-arvosta annettua lakia ja yhdenvertaisuuslakia. Lisäksi työharjoittelussa/työelämävalmennuksessa sovelletaan soveltuvien osin yksityisyyden suojasta työelämässä annettua lakia.
10. Työharjoittelun/työelämävalmennuksen järjestäjän on työharjoittelun/työelämävalmennuksen tavoitteiden toteutumiseksi tuettava ja opastettava työharjoitteluun/työelämävalmennukseen osallistuvaa henkilöä.
11. Työharjoittelun/työelämävalmennuksen järjestäjän on ilmoitettava työharjoitteluun/työelämävalmennukseen osallistuvan henkilön poissaolopäivät työ- ja elinkeinotoimistoon sen määräämällä tavalla.
12. Työelämävalmennuksen järjestäjän on osallistuttava työelämävalmennukseen osallistuneen henkilön ammatitaidon ja osaamisen sekä niiden kehityksen arviointiin.
13. Työharjoittelun/työelämävalmennuksen järjestäjän on annettava työharjoittelusta/työelämävalmennuksesta todistus.

TEM3.26 05/2010 s. 1(2) Luottamusmiehelle tai muulle työntekijöiden edustajalle

Fig. 16

As shown above in the “Adult job training” document (Työelämävalmennus) (Fig. 16 & 17) there is a section 6 which when translated to English says,

**Section 6 translation to English**

*“6. The person participating in the internship/work life coaching is not in an employment or other service relationship with the organizer of the internship/work life coaching mentioned in this contract, nor with the labor and business administration.”*

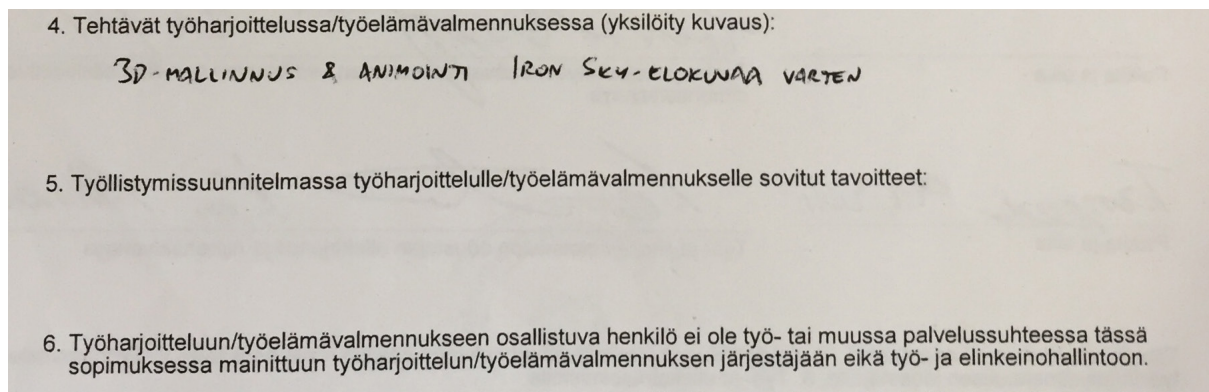


Fig. 17

Given the above, it cannot be the case that the 3D animation work for Iron Sky fits the criteria for “Work for Hire” under US law as plaintiff was not actually in an employment relationship with the producers as demonstrated in the above document, section 6. The “Adult job training” document (Työelämävalmennus) (Fig. 16 & 17)

The producers have never owned rights to any 3D animation work created by plaintiff. They have utilized the work for the film only with a kind of tacit ‘implied license’ (user license) rather than any exclusive ownership agreement. That is to say the producers could not, and can not, produce any valid “work for hire” agreement themselves, or any other agreement that would vest copyright ‘ownership’ to them. Thus plaintiff remains joint author of the film Iron Sky to complete the chain of title. This is the same under German copyright law too.



1 Additionally, if one were to examine the script of Iron Sky there are no descriptions or any  
 2 adequate delineations of the 3D animated content that make up a large part of the film. The  
 3 script writer, producers, cinematographer and director had nothing at all to do with the 3D  
 4 animation work. So they can't claim direct authorship of it themselves. They couldn't even  
 5 say themselves who created the 3D animation work as they were in Germany or Australia  
 6 doing the live action green screen work. They were as far away in the world from the 3D  
 7 animation work as it is possible to be at that stage! (Winter 2010-2011).

8  
 9 Plaintiff was the modeling supervisor as part of his role (amongst other things) so he knows  
 10 who did what. The names of artists can also be found in the original 3D files meta data. This  
 11 fulfills criteria under Berne convention article 15 as there is "a presumption of authorship  
 12 rule" related to the authors name on the works.

13  
 14 BERNE CONVENTION FOR THE PROTECTION OF  
 15 LITERARY AND ARTISTIC WORKS (Paris Text 1971)

16 "Article 15

17 *(1) In order that the author of a literary or artistic work protected by this Convention shall,*  
 18 *in the absence of proof to the contrary, be regarded as such, and consequently be entitled to*  
 19 *institute infringement proceedings in the countries of the Union, it shall be sufficient for his*  
 20 *name to appear on the work in the usual manner. This paragraph shall be applicable even if*  
 21 *this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to*  
 22 *his identity."*

23 <https://www.law.cornell.edu/treaties/berne/15.html>

A substantial amount of original 3D animation files (Maya files) related to Iron Sky film are in the possession of plaintiff and it was common for him to place his own name “trev” in the files. This helped keep the files organised on the work place server and was part of the file management system used by plaintiff and other artists. Below is a screen grab (Fig. 18) from a computer operating system’s window (Finder on Mac) which shows a non-exhaustive example of the files, and the date they were last saved such as,

“weapon\_gauss\_wip\_trev.mb      10 Jan 2011 at 12.40”.

These related to the construction history of the George W Bush weapons reveal scene that plaintiff created. Thus he can demonstrate authorship of the files easily, and due to his name being on them he has standing to protect his work in Berne Union Nations. The United States became a party to the Berne Convention in 1989.



MB	weapon_gauss_wip_trev.mb	10 Jan 2011 at 12.40
MB	weapon_gauss_wip_trev2.mb	10 Jan 2011 at 14.43
MB	weapon_gauss_wip_trev3.mb	10 Jan 2011 at 15.02
MB	weapon_gauss_wip_trev4.mb	11 Jan 2011 at 15.10
MB	weapon_gauss_wip_trev5.mb	12 Jan 2011 at 9.47
MB	weapon_gauss_gun_rig_trev_WIP7.mb	9 Feb 2011 at 15.59
MB	weapon_gauss_gun_rig_trev_WIP8.mb	10 Feb 2011 at 8.59
MB	weapon_gauss_gun_rig_trev_WIP9.mb	10 Feb 2011 at 11.15
MB	weapon_gauss_gun_rig_trev_WIP10.mb	10 Feb 2011 at 15.04
MB	weapon_gauss_gun_rig_trev_WIP11.mb	11 Feb 2011 at 10.30
MB	gwb_front_section_weapon_covers_02.mb	8 Apr 2011 at 11.27
MB	weapon_gauss_2gun_rig_trev.mb	20 Apr 2011 at 11.22
MB	gwb_weapon_harpoon_rig_trev.mb	20 Apr 2011 at 11.40
MB	gwb_front_section_with_weapons_rigs.mb	20 Apr 2011 at 11.43

Fig. 18

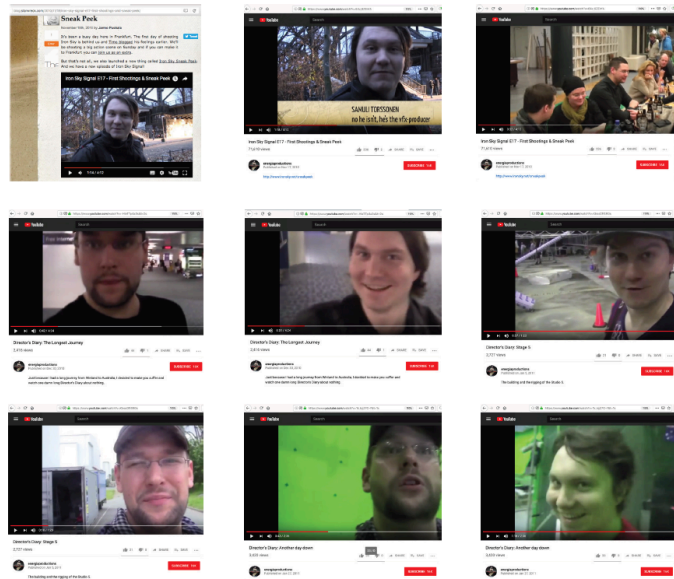
The files can be opened using a basic text editor and they reveal plaintiff’s name “trev” sometimes thousands of times within the actual code of the files as the files are reliant on each other in larger scenes as reference files. Here is a video demonstration,

### **IronSkyFilesMetaData**

<https://youtu.be/wy1jdRcYqW8?si=9dVEytSexjPDE03d>

As erstwhile mentioned, the script writer, producers, cinematographer and director for Iron Sky had nothing at all to do with the 3D animation work. So they can't claim direct authorship of it themselves. They couldn't even say themselves who created the 3D animation work as they were in Germany or Australia doing the live action green screen work. They were as far away in the world from the 3D animation work as it is possible to be at that stage! (Winter 2010-2011). This was worth mentioning twice as it shows plaintiff really was working somewhat independently and utilizing his own personal formative freedoms to come up with the work he produced for the film Iron Sky.

Videos - shows VFX producer Samuli Torssonen and Director Timo Vuorensola in Germany and Australia during winter 2010 - 2011. I created models and animations used in Iron Sky without wages or contract at that time.



#### Video references

##### Germany

Iron Sky Signal E17 - First Shootings & Sneak Peek  
[https://www.youtube.com/watch?v=64v\\_6ZEIrfA](https://www.youtube.com/watch?v=64v_6ZEIrfA)

##### Australia

Director's Diary: The Longest Journey  
<https://www.youtube.com/watch?v=-HieTtp4a3s&t=2s>

Director's Diary: Stage 5  
<https://www.youtube.com/watch?v=KbsoDff4RGs>

Director's Diary: Another day down  
[https://www.youtube.com/watch?v=1k\\_kjZ7O-Y&t=1s](https://www.youtube.com/watch?v=1k_kjZ7O-Y&t=1s)

All accessed 26th February 2019 at 10:12am

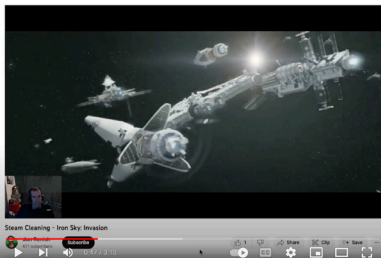
## VII. IRON SKY INVASION GAMES ON VALVE CORPS SERVICE PLATFORMS

Valve Corporation continues to willfully infringe on plaintiff's exclusive copyrights related to the film Iron Sky and are able to receive financial benefits from doing so.

For the purposes of demonstration I edited a short video of Iron Sky Invasion game play which shows how actual footage from the film Iron Sky is incorporated into the game itself.

**GamePlayEvidence** <https://youtu.be/da5GfIjfuVl?feature=shared>

This includes but not limited to, the Gotterdammerung crash scenes from the film which are used to denote the successful "game mission". Then follows the credits of the game in which nowhere can be seen any mention of plaintiff nor other animators who actually worked on the film. Instead it appears to just credit the game artists. Some screen grabs below.

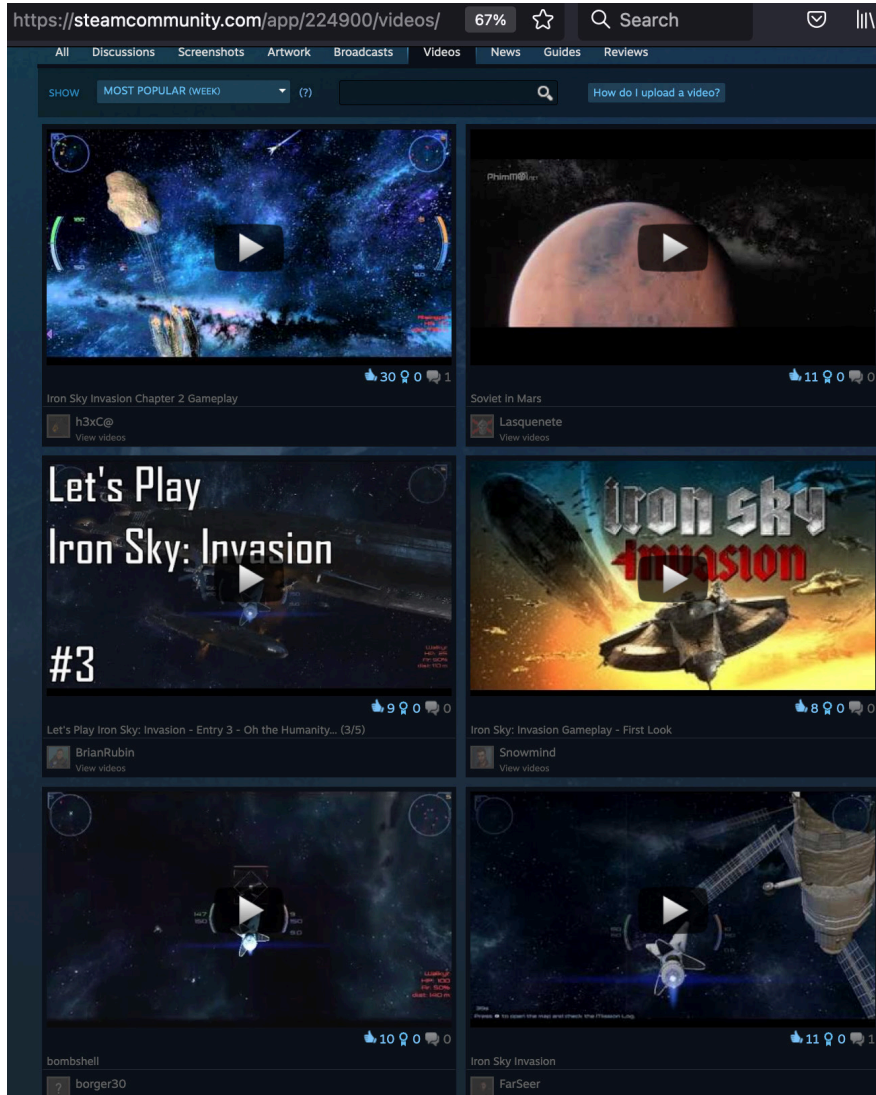


This video shows actual game play of Iron Sky Invasion which a person (Youtuber) called Jon Renish appears to be streaming to his own audience.



There are also many other such game play videos accessible via Valve Corporations own platform service. here,

<https://steamcommunity.com/app/224900/videos/> (accessed 23 Dec 2023)



This suggests a secondary, “Contributory Infringement” of plaintiffs work as Valve Corporation are clearly involved in allowing this to happened. The more plaintiff looks into Valves Corporations activities the more examples of infringement seems to become evident. At the moment Plaintiff is no expert on how these things are being allowed to happen but would like to make an additional contributory infringement claim in light of these findings.

## VIII. CAUSES OF ACTION

### 1. Legal duty of the defendant.

Valve Corporation have a legal duty to prevent copyright infringement of plaintiff's works as well as not to engage in copyright infringement of plaintiff's works themselves especially for financial gain by themselves.

### 2. Failure to perform the duty

Valve Corporation have failed abysmally in their legal duty to prevent copyright infringement of plaintiff's works and are engaging in copyright infringement of plaintiff's works themselves especially for financial gain by themselves. As mention before, plaintiff sent a DMCA take-down request which they first replied to on 8th of August 2023 but here we are months later and Valve Corporation have still failed in their duty to prevent copyright infringement of plaintiff's work. The DMCA take-down request itself was hindered by Valve Corporation's contact via email at dmca@valvesoftware.com requesting unnecessary things like a "court decision" showing that plaintiff had been granted copyright...he is an author! There is a "no formalities rule" under Berne Convention article 5 (2)!

**"(2) The enjoyment and the exercise of these rights shall not be subject to any formality;"** (Berne Convention article 5)

*"We have received your copyright complaint against the Iron Sky games. We cannot act on your complaint from the evidence provided. If you have a court decision showing that you have been granted ownership rights of this content, please provide it for our review."* (email from dmca@valvesoftware.com on 8th of August 2023)

### More illegal formalities followed!

After an number of futile email exchanges, the operator from dmca@valvesoftware.com contacted Plaintiff on the 16th of August saying that he needed to file a new complaint.

*“You may file new complaints here: <https://steamcommunity.com/dmca/create/>”*

This turned out to be impossible as the link that was provided from the operator had no facility for plaintiff to upload images to allow them to be compared with infringing content on Valve’s platform. Additionally there was a CAPTCHA (a test designed to determine if an Online user is really a human) That refused to identify plaintiff as a human! (See Fig. 19)

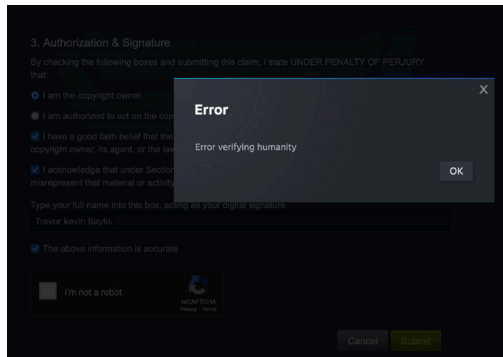


Fig. 19

## VIII. RELIEF

As previously sated, Plaintiff asks court to order Valve Corporation to pay them at least \$1,096,451,50 for actual damages as this is believed to be gross revenue generated by infringing actions as of 4 October 2023.

Plaintiff asks court to order Valve Corporation to pay them further accruing actual damages from 4 October 2023 as the willful infringement is ongoing. Plaintiff asks the court to order Valve Corporation to cease their willfully infringing actions against Plaintiff.

Plaintiff asks for Declaratory Relief, including but not limited to a declaration and judgment that Valve Corporation’s conduct alleged in the complaint violates laws alleged in the complaint, and such other, and further relief as the court deems proper and just.

**VIII. SUMMARY**

Plaintiff has established a valid claim against Valve Corporation and a cause of action.

Valve Corporation has distributed plaintiff's copyrighted works worldwide without authorization from plaintiff via numerous games related to the film Iron Sky of which Plaintiff is an author. The infringing works have been adequately identified, and substantial similarity has been shown between the infringing works and plaintiffs copyrighted works.

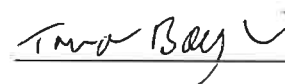
A cause of action is therefore established as Valve Corporation have a legal duty to prevent copyright infringement of plaintiff's works as well as not to engage in copyright infringement of plaintiff's works themselves especially for financial gain by themselves.

Plaintiff has correctly identified jurisdiction and venue based on federal law.

Plaintiff believes they have as conformed with all necessary requirements Under Federal Rule of Civil Procedure 11.

23rd December 2023

Trevor Kevin Baylis



Please note: Plaintiff is dyslexic. Thus written documents such as this may have minor accidental spelling and or grammatical errors. Such things should not be seen as cause to prejudice the author of this document.